IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

Bail Appl..No. 1741 of 2007

CRIME NO.62/2007 OF PANNIYANKARA POLICE STATION

PETITIONER/ACCUSED.

MUJEEB, S/O. KOYAKUTTY,
KUNICHIKANDA PARAMBA, CHAKKUMKADAVU,
GOPALASWAMI IYYANGAR ROAD, PANNIYANKARA.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT & STATE.

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1. THE SUB INSPECTOR OF POLICE,
PANNIYANKARA POLICE STATION.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1741/2007

Dated this 27th day of March, 2007

O R D E R

The petitioner, who is the first accused in Crime No.62/2007 of Panniyankara Police Station for offences punishable under Sections 341, 307 and 302 IPC read with Section 34 IPC, seeks his enlargement on bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 8.30.p.m on 31.1.2007, the defacto complainant and his friend while sitting on a corporation ground saw all the three accused persons consuming liquor. After 15 minutes, the accused picked up a quarrel with the defacto complainant and then went away. Consequently at 9.15 p.m., the accused 1 to 3 came there in a motorcycle and obstructed the defacto complainant and Mahesh. The first accused took out a soda bottle and beat the defacto complainant who fell down. Thereafter, the first accused took out a knife and stabbed him. When Mahesh intervened to prevent the first accused from stabbing the defacto complainant, he was also stabbed. In that attempt Mahesh succumbed to the injuries on the way to the hospital.

4. This is a case in which after the initial quarrel, the accused had mounted a fresh attack on the defacto complainant and his friend, resulting in the deceased sustaining fatal injuries. Having regard to the facts and circumstance of the case, the present stage of the investigation and the duration of the judicial custody of the petitioner, I am not inclined to grant bail to the petitioner.

This application is accordingly dismissed.

V.RAMKUMAR,
JUDGE

mrcs